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PTO/SB/29 (12/97)

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 9301-168-999 Total Pages 128

First Named Inventor or Application Identifier

Roland Stoughton

Express Mail Label No. EL 477 034 050 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form  
*Submit an original, and a duplicate for fee processing*
2. ☒ Specification (including Table of Contents) [Total Pages 58]  
*(preferred arrangement set forth below)*  
-Descriptive title of the Invention  
-Cross Reference to Related Applications  
-Statement Regarding Fed sponsored R&D  
-Reference to Microfiche Appendix  
-Background of the Invention  
-Brief Summary of the Invention  
-Brief Description of the Drawings (if filed)  
-Detailed Description of the Invention (including drawings, if filed)  
-Claim(s)  
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 7]
4. ☒ Oath or Declaration [Total Sheets 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 17 completed)*  
[Note Box 5 below]  
i. ☐ **DELETION OF INVENTORS(S)**  
  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*  
a. ☐ Computer Readable Copy  
b. ☐ Paper Copy (identical to computer copy)  
c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
14. ☐ Small Entity Statement(s) (copy from prior application)  
☐ Statement filed in prior application, Status still proper and desired
15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16. ☒ Other: Preliminary Amendment Fee Transmittal;  
Request for Filing a Divisional Application

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/222,596 filed December 28, 1998.**18. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label

20583

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

NAME

ADDRESS

CITY

STATE

ZIP CODE

COUNTRY

TELEPHONE

FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Express Mail No.: EL 477 034 050 US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner A. MarschelArt Unit 1631Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/222,596 filed on December 28, 1998.

of Roland Stoughton and Hongyue Dai  
(inventor(s) currently of record in prior application)

for STATISTICAL COMBINING OF CELL EXPRESSION PROFILES

(title of invention)

1. ☒ The filing fee is calculated below in view of the preliminary amendment made in paragraph 2 below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	14	-20	0	\$18.00 each	\$ 0.00
Independent	2	-3	0	\$78.00 each	\$ 0.00
Basic Fee					\$ 740.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
Total					\$ 740.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 0.00
Total Filing Fee					\$ 740.00

2. ☒ Cancel claims 1-13 and 28-42 without prejudice.
3. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
4. ☒ Amend the specification by inserting before the first line the following sentence: This is a division of application no. 09/222,596, filed December 28, 1998.

- 4a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record to Rosetta Inpharmatics, Inc.
- 7a. ☒ The Power of Attorney appears in the original papers in the prior application no. 09/222,596, filed December 28, 1998. A copy of the Declaration and Power of Attorney from prior application no. 09/222,596 is enclosed.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☒ Additional enclosures or instructions: Preliminary Amendment.

Respectfully submitted,

Date January 28, 2002

Adriane M. Antler 32,602  
 Adriane M. Antler (Reg. No.)  
 PENNIE & EDMONDS LLP  
 1155 Avenue of the Americas  
 New York, N.Y. 10036-2711  
 (212) 790-9090

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Stoughton et al.

Application No.: To be assigned; Divisional of U.S. Application No. 09/222,596      Group Art Unit: To be assigned

Filed: On Even Date Herewith

Examiner: To be assigned

For: **STATISTICAL COMBINING OF  
CELL EXPRESSION PROFILES**

Attorney Docket No.: 9301-168-999

**FEE TRANSMITTAL SHEET**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$846.

The claim amendment fee has been estimated as shown below:

(Col 1)		(Col 2)		(Col 3)		SMALL ENTITY			OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDIT FEE	OR	RATE	ADDIT FEE
TOTAL	67	MINUS	20	=	47	× 9	\$		× 18	\$ 846.00
INDEP	2	MINUS	3	=	0	× 40	\$ 0.00		× 80	\$ 0.00
☐ FIRST PRESENTATION OF MULTIPLE DEP CLAIM						135	\$		270	\$
						TOTAL	\$ 0.00	OR	TOTAL	\$ 846.00

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,

Date January 28, 2002

Adriane M. Antler 32,605  
Adriane M. Antler (Reg. No.)

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